



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/783,932

02/14/2001

Dan Kikinis

007287.00033

1334

22907 7590 01/15/2010

BANNER & WITCOFF, LTD.

1100 13th STREET, N.W.

SUITE 1200

WASHINGTON, DC 20005-4051

EXAMINER

MUHEBBULLAH, SAJEDA

ART UNIT

PAPER NUMBER

2174

MAIL DATE

DELIVERY MODE

01/15/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/783,932	<b>Applicant(s)</b> KIKINIS ET AL.	
	<b>Examiner</b> SAJEDA MUHEBBULLAH	<b>Art Unit</b> 2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3,7,9,11,12,27 and 30-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,7,9,11,12,27 and 30-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. This communication is responsive to Appeal Brief filed 10/19/2009.
2. Claims 1, 3, 7, 9, 11-12, 27 and 30-39 are pending in this application.

***Response to Arguments***

1. In view of the Appeal Brief filed on 10/19/2009, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/DENNIS-DOON CHOW/  
Supervisory Patent Examiner, Art Unit 2174

3. Applicant's arguments with respect to claims 1, 3, 7, 9, 11-12, 27 and 30-39 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3, 7, 9, 11-12, 27, 30-31, 33, 35-36 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohkura et al. ("Ohkura", US 6,005,601) in view of Etheredge (US 6,172,674).

As per claim 1, Ohkura teaches a computer-implemented method for displaying data associated with an electronic program guide, comprising:

displaying one or more programming content sliders, each slider having a slide knob and two ends, wherein each of the sliders corresponds to an aspect of programming content and comprises an associated set of content-related characteristics of broadcast programs (Fig.10, *slide knobs 100Y, 100Z*);

for each of the one or more programming content sliders, displaying a currently set value of the slider based on a position of the slider's slide knob in between the slider's ends (Fig.10, *slide knobs 100Y and 100Z currently set at "Terminator" and "All" respectively*),

displaying electronic program guide data corresponding to the currently set values of the one or more sliders, the electronic program guide data comprising a set of one or more broadcast programs having characteristics that match the currently set values of the one or more sliders (Fig.10; *AREA Y*);

receiving user input corresponding to a move of one of the slide knobs to a new position in between the ends of the corresponding programming content slider (col.6, lines 26-27);

updating the display of the programming content slider corresponding to the slide knob by changing the displayed value of the slider based on the new position of the slider knob in between the slider's ends (col.9, lines 13-17); and

updating the displayed electronic program guide data to correspond to changed value of the programming content slider corresponding to the slide knob, the updated electronic program guide data comprising a second set of one or more broadcast programs having characteristics that match the changed value of the slider (Fig.17; col.15, lines 12-25).

However, Ohkura does not teach sliders which are draggable. Etheredge teaches a method of displaying data in an electronic program guide wherein draggable slide knobs are used to filter program data (Etheredge, Fig.4, slider 234; col.21, lines 27-37). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Etheredge's teaching with Ohkura's method as more convenient method of setting the programming time via the slide knob.

Independent claims 3, 7 and 9 are individually similar in scope to independent claim 1, and are therefore rejected under similar rationale.

As per claim 11, the method of Ohkura and Etheredge teaches the computer-implemented method further comprising, displaying the draggable slide knobs

concurrently with the electronic program guide data (Ohkura, Fig.10, *slide knobs 100X1, 100X2, 100Y, 100Z*).

Claim 12 is similar in scope to claim 11, and is therefore rejected under similar rationale.

As per claim 27, the method of Ohkura and Etheredge teaches wherein the electronic program guide data corresponds to television program listings (Ohkura, Fig.6).

Claim 30 is similar in scope to claim 27, and is therefore rejected under similar rationale.

As per claim 31, the method of Ohkura and Etheredge teaches the method of claim 1, wherein at least one of the programming content sliders corresponds to a genre slider with a draggable genre slide knob (Ohkura, Fig.10 (d-1)).

As per claim 33, the method of Ohkura and Etheredge teaches the method of claim 1, wherein the received user input corresponds to a drag of the draggable slide knob of a first programming content slider, and wherein the method further comprises updating the display of a second programming content slider to modify the associated set of content-related characteristics for the second programming content slider based on changed value of the first programming content slider (Ohkura, Fig.17; col.15, lines 12-25).

As per claim 35, the method of Ohkura and Etheredge teaches the method of claim 1, wherein displaying the currently set values of each of the draggable slide knobs comprises displaying each currently set value directly on the corresponding draggable

slide knob (Ohkura, Fig.10, *slide knobs 100Y and 100Z currently set at "Terminator" and "All" respectively* ).

Claim 36 is similar in scope to claim 31, and is therefore rejected under similar rationale.

Claim 38 is similar in scope to claim 33, and is therefore rejected under similar rationale.

6. Claims 32, 34, 37, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohkura et al. ("Ohkura", US 6,005,601) and Etheredge (US 6,172,674) in view of Schein et al. ("Schein", US 6,323,911).

As per claim 32, the method of Ohkura and Etheredge teaches the method of claim 1, wherein one of the programming content sliders corresponds to one of a genre slider with a draggable genre slide knob. However, the method does not teach the slide knob to be an actor or a director slider with a draggable slide knob. Schein teaches a method of displaying program content wherein content may be viewed based on actor (Schein, col.13, lines 15-24). It would have been obvious to one of ordinary skill in the art at the time of the invention to include Schein's teaching with the method of Ohkura and Etheredge in order to filter content based on various criteria.

As per claim 34, the method of Ohkura and Etheredge teaches the method of claim 33, wherein the first programming content slider corresponds to a genre slider (Ohkura, Fig.10, 100Z), and wherein the second programming content slider corresponds to a program slider (Ohkura, Fig.10, 100Y). However, the method does

Art Unit: 2174

not teach the slider to be an actor or a director slider which is updated in response to the drag of the slide knob of the genre slider to display only actor values or director values that are associated with the changed value of the genre slider. Schein teaches a method of displaying program content wherein content may be viewed based on actor (Schein, col.13, lines 15-24). It would have been obvious to one of ordinary skill in the art at the time of the invention to include Schein's teaching with the method of Ohkura and Etheredge in order to filter content based on various criteria.

Claim 37 is similar in scope to claim 27, and is therefore rejected under similar rationale.

Claim 39 is similar in scope to claim 34, and is therefore rejected under similar rationale.

### ***Communications***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sajeda Muhebbullah whose telephone number is **(571) 272-4065**. The examiner can normally be reached on Wednesday/Thursday and alt. Mondays from 8:00 am to 4:30 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dennis Chow, can be reached on (571) 272-7767.

The central fax number for the organization where correspondence for this application or proceeding is assigned is (571) 273-8300.



Art Unit: 2174

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

***Sajeda Muhebbullah***

***Patent Examiner***

***Art Unit 2174***

***/S. M./***

***/DENNIS-DOON CHOW/***

***Supervisory Patent Examiner, Art Unit 2174***